

Section 2-150 RR-1 Rural Residential District - 1

2-151 Purpose. This district is established to provide for residential development in a predominantly rural environment in areas currently zoned AR-1. A greater lot yield than permitted in the AR-1 district may be achieved where appropriate road access is available for the scale of development; where the proposed development is compatible with other properties in the vicinity, including agricultural and forestal districts, open space easements, predominant parcel sizes and adjacent uses; and where water and onsite sewage disposal systems are feasible. Limited rural economy uses are encouraged that are compatible with clustered residential development. A cluster subdivision pattern is required.

2-152 General Requirements. The requirements established in the following sections set forth the general and specific standards for development under the RR-1 District.

(A) General:

- (1) The tract shall consist of a minimum of 15 acres plus 40,000 square feet contiguous acres prior to development.
- (2) Rezoning requests shall be processed pursuant to the requirements of Section 6-1200. Rezoning requests for tracts smaller than 90 acres shall be processed in accordance with Section 6-1200 as modified by Section 6-1216.
- (3) The residential development on this site shall be clustered according to the provisions of this Section.

(B) Lot Yield. The maximum number of lots shall be one lot per 7.5 gross acres.

2-153 Characteristics of Cluster Subdivision.

(A) The elements of the cluster subdivision are:

- (1) Rural Residential Lots,
- (2) Rural Economy Lot(s),
- (3) Common Open Space.

(B) Depending on the tract size, the cluster subdivision shall include one or more Rural Residential Lots and at least one Rural Economy Lot and may include common open space.

(C) All lots within the cluster development shall be created at one time.

(D) The lots created by the cluster subdivision shall not be further subdivided.

- 1 (E) The site layout of these elements shall occur during the approval of a
2 rezoning.
- 3
- 4 (F) A HOA is required for any subdivision with common elements as
5 described in Section 2-161(B).
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- 7 (G) A minimum of 70% of the gross land area of the development shall be
8 comprised of Rural Economy Lot(s) and, if present, Common Open
9 Space, as defined in Section 2-154(C).
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- 11 (H) The rezoning plat for the development shall contain a tabulation of
12 density.
- 13
- 14 (I) The preliminary and record plats shall show the perimeter setback as
15 required in Section 2-155(A)(2).
- 16

17 **2-154 Standards.** Development of the Rural Residential Lots, the Rural Economy
18 Lot(s), and Common Open Space shall comply with the following standards.

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- 20 (A) **Rural Residential Lots.** Rural Residential lots shall be grouped in clusters
21 and shall comply with all of the following standards:
- 22
- 23 (1) **Maximum Gross Land Area.** Rural Residential Lots may comprise
24 a maximum of 30% of the gross land area of the development.
- 25
- 26 (2) **Number of Lots in Cluster(s).** Rural Residential Lots shall be
27 grouped in clusters consisting of a minimum of 5 lots and a
28 maximum of 25 lots, except that a cluster may consist of fewer than
29 5 lots if any one of the following applies:
- 30
- 31 (a) There will be fewer than 5 lots in the entire subdivision.
- 32 (b) The area of the subdivision is less than 37.5 acres.
- 33 (c) It is demonstrated that a cluster of fewer than 5 lots will
34 result in less disturbance of land within the Mountainside
35 Development Overlay District (MDOD), Floodplain
36 Overlay District (FOD) lands, and/or land containing steep
37 slopes, and/or wetlands.
- 38
- 39 (3) **Number of Clusters.** Multiple groupings of cluster lots are
40 required where the total number of lots on a site is greater than 25.
41 A single grouping of cluster lots shall contain all the lots where the
42 total number of lots on a site is 25 or fewer, except that multiple
43 clusters may be allowed where it is demonstrated that multiple
44 clusters will result in less disturbance of land within the
45 Mountainside Development Overlay District (MDOD), Floodplain

Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.

(4) **Distance Between Clusters.** If more than one grouping of cluster lots is to be created from a parcel, a minimum of 500 feet shall separate the lot lines of each grouping of cluster lots (exclusive of common open space and Rural Economy Lots).

(5) **Lot Size.**

(a) Minimum: 40,000 square feet, exclusive of major floodplain.

(b) Maximum: 4 acres, exclusive of major floodplain.

(6) **Minimum Lot Width. 175'**

(7) **Maximum Length/Width Ratio. 3:1.**

(8) **Maximum Lot Coverage: 15%.**

(9) **Permitted Uses on Rural Residential Lots.** The uses allowed on the Rural Residential Lots are listed below and are subject to the Additional Regulations for Specific Uses in Section 5-600 as referenced.

(a) Accessory dwelling (accessory to single-family detached dwelling), pursuant to Section 5-613.

(b) Accessory uses, such as garages, sheds, decks, clotheslines, swimming pools, and other residential accessory uses and structures customarily found in association with and clearly incidental and subordinate in size to the principal residential structure and use.

(c) Agriculture, horticulture, animal husbandry, including bona fide agricultural structures, pursuant to Section 5-626.

(d) Bed and breakfast homestay, pursuant to Section 5-601(A).

(e) Child care home, pursuant to Section 5-609.

(f) Construction and/or sales trailer, during period of construction activity.

(g) Dwelling, single-family detached, including manufactured housing.

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- (h) Home occupation (accessory to single-family detached dwelling), pursuant to Section 5-400.
- (i) Portable dwelling/trailer during construction of a primary residence, pursuant to Section 5-500.
- (j) Small business (excluding Repair service occupations and Contractors and contracting) pursuant to Section 5-614.
- (k) Stables, pursuant to Section 5-627.
- (l) Stables, without commercial boarding or equestrian instruction, on less than 5 acres, accessory to a single-family residence.
- (m) Telecommunications antenna, pursuant to Section 5-618(A).
- (n) Utility substation, dedicated, pursuant to Section 5-616..

(B) Rural Economy Lots. Each cluster subdivision shall contain at least one Rural Economy Lot meeting the following regulations:

- (1) **Minimum Lot Size.** 15 acres.
- (2) **Minimum Lot Width.** 175 feet.
- (3) **Maximum Length/Width Ratio.** 3:1.
- (4) **Maximum Lot Coverage.** 8%.
- (5) **Permitted Uses on Rural Economy Lot.** The uses allowed on the Rural Economy Lot(s) are listed below and are subject to the Additional Regulations for Specific Uses in Section 5-600 as referenced
 - (a) Apartment or dwelling unit (accessory to a single family detached dwelling), pursuant to Section 5-613.
 - (b) Accessory uses, such as garages, sheds, decks, clotheslines, swimming pools and other residential accessory uses and structures customarily found in association with and clearly incidental and subordinate in use to a single family residential structure and use.
 - (c) Agriculture, horticulture, animal husbandry including bona fide agricultural structures, pursuant to Section 5-626.

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- (d) Animal hospital, pursuant to Section 5-631.
- (e) Antique shop, pursuant to Section 5-650.
- (f) Art gallery or art studio, pursuant to Section 5-650.
- (g) Bed and breakfast homestay, pursuant to Section 5-601(A).
- (h) Caretaker's residence.
- (i) Child care home, pursuant to Section 5-609.
- (j) Child or adult daycare center, pursuant to Section 5-609.
- (k) Construction and/or sales trailer, during period of construction activity.
- (l) Craft shop, pursuant to Section 5-650.
- (m) Equestrian Facility, pursuant to 5-627.
- (n) Guest House, accessory to a Single family dwelling, pursuant to Section 5-612.
- (o) Home occupation, pursuant to Section 5-400.
- (p) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.
- (q) Portable dwelling/trailer during construction of a primary residence, pursuant to Section 5-500.
- (r) Production nursery, pursuant to Section 5-605.
- (s) School, 15 pupils or less.
- (t) Single family dwelling, including manufactured housing, in association with a permitted use.
- (u) Small business, excluding Repair Service occupations and Contractors and contracting, pursuant to Section 5-614.
- (v) Telecommunications antenna, pursuant to Section 5-618(A).
- (w) Utility substation, dedicated, pursuant to Section 5-616

(x) Veterinary service.

(y) Virginia Farm Winery.

(z) Wayside stand.

(6) **Special Exception Uses on Rural Economy Lot.** The following uses are permitted on a Rural Economy Lot by Special Exception pursuant to Section 6-1300.

(a) Golf course, with accessory clubhouse, pursuant to Section 5-648.

(b) Telecommunications monopole, pursuant to Section 5-618(B)(1) and Section 5-618(B)(2).

(c) Telecommunications tower pursuant to Section 5-618(C)(2).

(C) **Common Open Space Use.** Land that is neither a Rural Residential Lot nor a Rural Economy Lot and is not a road right-of-way shall be placed in common open space and shall be maintained by a Homeowner's Association as described in Section 2-161.

(1) **Permitted Uses on Common Open Space.** Uses allowed on the Common Open Space land are listed below and are subject to the Additional Regulations for Specific Uses in Section 5-600 as referenced.

(a) Agriculture, horticulture, animal husbandry including bona fide agricultural structures, pursuant to Section 5-626.

(b) Construction and/or sales trailer, during period of construction activity.

(c) Easements and improvements for drainage, access, sewer or water lines, or other public purposes.

(d) Passive open space or passive recreation, including but not limited to trails, picnic areas, community gardens.

(e) Sewage disposal system, communal.

(f) Sewer pumping station.

(g) Stables, pursuant to Section 5-627.

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(h) Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan.

(i) Utility transmission lines, overhead.

(j) Utility substation, distribution, pursuant to Section 5-616.

(k) Utility substation, transmission, pursuant to 5-616.

(l) Water pumping station.

(m) Water supply system, communal.

(2) **Special Exception Uses on Common Open Space.** The following uses are permitted with the approval of a Special Exception on Common Open Space pursuant to Section 6-1300.

(a) Active recreation space, including golf course, with accessory clubhouse, pursuant to Section 5-648.

(b) Water storage tank, by Special Exception, pursuant to Section 5-621.

(c) Water treatment plant, by Special Exception, pursuant to Section 5-621.

2-155 Setbacks and Yards.

(A) **Setback.**

(1) No structure shall be located within one hundred (100) feet from the right of way of any arterial road; seventy five (75) feet from the right of way of any collector road; or thirty five (35) feet from any other road right of way, private access easement, and/or prescriptive easement.

(2) **Perimeter Setback.** Residential dwelling within the subdivision, including Rural Economy Lot(s) shall be set back a minimum of 100 feet from any lot line adjoining parcels not located within the cluster subdivision.

(B) **Yards.**

(1) **Front.** 35 feet minimum

(2) **Side.** 15 feet minimum.

- (3) Rear. 35 feet minimum.

2-156 Building Requirements.

- (A) **Building Height.** Thirty five (35) feet maximum, excluding agricultural, horticultural, and animal husbandry structures.

2-157 Utility Requirements.

- (A) **Water.** All lots shall be served by either:

- (i) Individual water supply system, located on the lot served, or
(ii) Communal water system, located within Common Open Space, with maintenance to be provided pursuant to Section 2-158

- (B) **Sewer.** All lots shall be served by either:

- (i) Individual sewage disposal systems, located on the lot. Such system shall be located on the lot served or in Common Open Space. A maximum of seventy percent (70%) of the lots may have primary and/or reserve septic fields within common open space. The record plat shall identify the location of all septic fields and shall assign them to lots, or
(ii) Communal sewage disposal system located within Common Open Space with maintenance to be provided pursuant to Section 2-158.

2-158 Maintenance of Water and/or Sewage Disposal Systems.

- (A) **Individual Systems.** Maintenance of Individual Water and Individual Sewage Disposal Systems shall be the responsibility of the owner of the lot the system serves.

- (B) **Communal.** If the development is served by a communal water and/or sewage disposal system, such systems shall be operated and maintained by LCSA, in accord with all LCSA adopted policies. If LCSA policies preclude maintenance by LCSA, then the HOA shall contract with a public water or sewer (wastewater) utility as defined in Chapter 10.1 of Title 56 of the Code of Virginia. An access easement shall be provided for the entity maintaining the system. All costs of operation and maintenance of such communal systems shall be borne as a common expense by the owners of the lots served.

- 2-159 Fire Protection.** The development shall satisfy the fire protection standards set forth in the Facilities Standards Manual.

2-160 Lot Access.

- (A) Access to individual lots may be provided by private access easement which shall comply with the requirements of the Facilities Standards Manual.

- (B) Private access easements may serve as frontage in lieu of public road

frontage for up to 25 lots per easement.

- (C) The plat of subdivision shall contain a note detailing the provisions regarding the maintenance of the private access easement.

2-161 Homeowner's Association.

- (A) If the subdivision contains any of the common improvements listed below, the development shall have an incorporated Homeowners' Association ("HOA"). The HOA shall have the right and responsibility to maintain the following areas or improvements:

- (1) Common open space areas within the development that are not part of an individual lot;
- (2) Lot(s), if owned by the HOA;
- (3) Private roads, if any, within or serving the development, except as provided in Section 2-161(C);
- (4) Communal water and/or sewage disposal systems, except as provided in Section 2-161(D);
- (5) Any stormwater management facilities or areas;
- (6) Fire protection pond(s), dry mains, or other improvements;
- (7) Such other common facilities or improvements as may be designated in the bylaws of the HOA.

- (B) Membership in the HOA shall be required for all purchasers of lots in the subdivision and their successors in title.

- (C) Notwithstanding the requirements of Section 2-161(A) above, if the only common element is private roads or easements, then they shall either be maintained by an HOA or shall be maintained pursuant to a private road maintenance agreement. If such roads are to be maintained pursuant to a private road maintenance agreement, then the terms thereof shall be included on each record plat of subdivision for the development.

- (D) Notwithstanding the requirements of Section 2-161(A) above, communal water supply or sewage disposal systems may be maintained by LCSA or a public water or sewer (wastewater) utility as defined in Chapter 10.1 of Title 56 of the Code of Virginia.

1 (E) A portion of the Common Open Space may be conveyed to LCSA for the
2 purpose of maintaining a communal water and/or sewage disposal system.
3 Such Common Open Space, although not in the ownership of the HOA,
4 may be used to satisfy the requirements of Section 2-153(G).

5 (F) Prior to approval of a record plat of subdivision for the cluster:

6 (1) If a Homeowner's Association is to be established, the landowner
7 shall submit documents for the creation of the HOA to the County
8 for review and approval, including its bylaws, and all documents
9 governing ownership, maintenance, and use restrictions for
10 common areas, including a legal description of such areas and a
11 description of restrictions placed upon the use and enjoyment of
12 the land;

13 (2) If a communal water and/or sewage disposal system is to be
14 maintained by a third-party, a minimum two year maintenance
15 contract is to be submitted for review and approval by the County.

16 (3) If the subdivision is served by private roads and there is no
17 Homeowners' Association for the subdivision, the developer shall
18 submit a private road maintenance agreement to the County for
19 review and approval.

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21 **2-162 Recognizing Protection by Right to Farm Act.** Record plats and deeds
22 authorized pursuant to this section shall include a statement that agricultural
23 operations enjoy the protection of the Right to Farm Act (Va. Code Section 3.1-
24 22.28 et seq.).
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